

RECEIVED
MAY 18 1999
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

DOCKET FILE COPY ORIGINAL

The González Law Firm, P.C.

One Westlake Plaza, Suite 100
1705 South Capital of Texas Highway
Austin TX 78746
Telephone (512) 330-9696
Facsimile (512) 330-9898

Richard A. Muscat, P.C.
Senior Attorney

May 17, 1999

Ms. Magalie Roman Salas
Office of the Commission Secretary
Federal Communications Commission
The Portals, 445 12th Street, S.W.
Room TW-A325
Washington, D.C. 20554

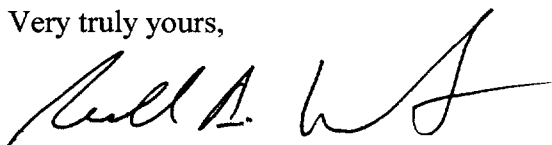
RE: CC Docket No. 97-213 (DA No. 99-863), Comments of Texas 9-1-1 Agencies

Dear Ms. Salas:

Attached are an original and ten copies of the Comments of Texas 9-1-1 Agencies. Please file and distribute the original and nine copies in accordance with the appropriate procedures. Please also file stamp the extra copy and return it to me in the enclosed self-addressed stamped envelope.

Your assistance in this matter is much appreciated.

Very truly yours,



Richard A. Muscat
Counsel for the Texas 9-1-1 Agencies

No. of Copies rec'd at 7
List ABCDE

RECEIVED
MAY 18 1999
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)

Communications Assistance for Law)
Enforcement Act)

CC Docket No. 97-213

To: The Federal Communications Commission

**COMMENTS OF THE TEXAS ADVISORY COMMISSION ON STATE EMERGENCY
COMMUNICATIONS AND TEXAS EMERGENCY COMMUNICATION DISTRICTS**

The Texas Advisory Commission on State Emergency Communications (TX-ACSEC) and certain Texas Emergency Communication Districts, hereinafter referred to collectively as the "Texas 9-1-1 Agencies,"¹ file these comments in response to the Federal Communications Commission's ("Commission's") public notice requesting comments on the "CALEA Revenue Estimates of Five Manufacturers."² The Texas 9-1-1 Agencies would respectfully show:

¹ TX-ACSEC is a state agency created pursuant to Texas Health and Safety Code Chapter 771. The certain Texas Emergency Communication Districts are Bexar Metro 9-1-1 Network, Brazos County Emergency Communication District, Calhoun County 9-1-1 Emergency Communication District, Denco Area 9-1-1 District, 9-1-1 Network of East Texas, Galveston County Emergency Communication District, Greater Harris County 9-1-1 Emergency Network, Henderson County 9-1-1 Communication District, Howard County 9-1-1 Communication District, Kerr County Emergency 9-1-1 Network, Lubbock County Emergency Communication District, McLennan County Emergency Communication District, Montgomery County Emergency Communication District, Nortex 9-1-1 Communication District, Potter-Randall County Emergency Communications District, Tarrant County 9-1-1 District, and Texas Eastern 9-1-1 Network. These districts were created pursuant to Texas Health and Safety Code Chapter 772

² DA 99-863, CC Docket No. 97-213, Public Notice: "Comments Sought on CALEA Revenue Estimates of Five Manufacturers" (May 7, 1999).

I.

Pursuant to the Commission's Order in CC Docket No. 94-102, technical and economic requirements were established to comply with E9-1-1 emergency service requirements, including the compliance with Phases I and II of wireless E9-1-1. In this proceeding, technical and economic requirements are being established to comply with the Communications Assistance for Law Enforcement Act ("CALEA"). The Commission itself noted this potential technical overlap in the Further Notice of Proposed Rulemaking in this docket.³ The Texas 9-1-1 Agencies file this comment to ascertain whether double recovery of costs for the same technical requirements exist or may exist.

As reiterated in the public notice, "the Commission proposed that location information be considered part of the 'core' J-STD-025, and therefore that capability should be included by manufacturers of CALEA-compliant wireless switching equipment."⁴ Therefore, a reasonable allocation of any cost recovery between CALEA compliance and E9-1-1 emergency service compliance may be necessary to avoid unreasonable expenditures and double recovery by the providers.⁵ Accordingly, the Texas 9-1-1 Agencies respectfully requests that the interested parties evaluate the potential for duplicative expenses and request for recovery in their reply comments to the public notice. The Texas 9-1-1 Agencies further request that the Department of Justice and the Commission evaluate this issue in the disposition of this matter.

³ See, Further Notice of Proposed Rulemaking, CC Docket No. 97-213, FCC 98-282, released November 5, 1998 at ¶ 56 ("Additionally, wireless carriers will be required to have a location capability as part of their E911 obligations.").

⁴ DA 99-863, CC Docket No. 97-213, Public Notice at ¶ 4 (footnote omitted).

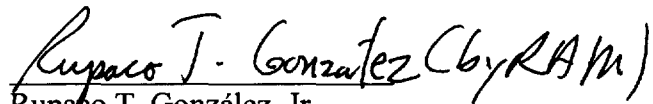
⁵ This may be the case even if "location information" is limited to the location of the cell site. See, Further Notice of Proposed Rulemaking, CC Docket No. 97-213, at ¶ 54.

II.


CONCLUSION

The Texas 9-1-1 Agencies appreciate the opportunity to submit these comments. The Texas 9-1-1 Agencies respectfully request that the interested parties, the Department of Justice, and the Federal Communications Commission evaluate the potential for any duplicative expenditures for technical requirements between compliance with CALEA and compliance with E9-1-1 requirements, and to take such appropriate action as that evaluation may support in the disposition of this docket.

Respectfully submitted,



Rupaco T. González, Jr.
State Bar No. 08131690

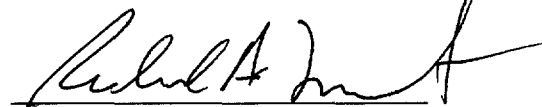


Richard A. Muscat
State Bar No. 14741550

The González Law Firm, P.C.
One Westlake Plaza
1705 South Capital of Texas Highway, Suite 100
Austin, TX 78746
(512) 330-9696
(512) 330-9898 (FAX)
pacolaw@msn.com

Certificate of Service

I certify that a copy of these comments is being served on or before May 17, 1999 by regular or overnight mail or fax on the Commission Secretary.



Richard A. Muscat

C:\rick\CALEA Comments